

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**GUILLERMO ALDACO, JR.,**

**Defendant.**

**CASE NO. 8:99CR16**

# MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's motion (Filing No. 170) to vacate the Court's previous order denying the Defendant's motion for relief under Federal Civil Rule of Procedure 60(b) (Filing No. 169). Alternatively, the Defendant requests leave to file a certificate of appealability.

This Court denied the Defendant's motion to vacate his sentence filed under 28 U.S.C. § 2255. (Filing Nos. 162, 163.) The Defendant filed a motion for relief from that order and judgment under Rule 60(b), (Filing No. 165), which was denied on July 30, 2008 (Filing No. 167). On January 26, 2009, the Defendant filed the motion now before the Court (Filing No. 168) again requesting Rule 60(b) relief from the denial of his § 2255 motion. The motion is denied for the reasons previously stated. Moreover, the deadline for filing a motion for a certificate of appealability has expired and will not be extended, in part because the request to extend the deadline was made several months after the deadline expired.

IT IS ORDERED:

1. The Defendant's motion (Filing No. 170) to vacate its earlier memorandum and order and judgment denying § 2255 relief or, alternatively, to allow the Defendant leave to file a motion for a certificate of appealability is denied; and

2. A copy of this Memorandum and Order shall be mailed to the Defendant at his last known address.

DATED this 30<sup>th</sup> day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge